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ATTORNEYS FOR MOVANT

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**In re:
Jason Christopher Warren
xxx-xx-4381**

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**Case No. 20-41957
Chapter 13**

**MOTION OF SANTANDER CONSUMER USA INC. DBA CHRYSLER CAPITAL
FOR RELIEF FROM THE STAY AGAINST THE 2019 DODGE CHALLENGER
WITH WAIVER OF 30 DAY HEARING REQUIREMENT**

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Santander Consumer USA Inc. dba Chrysler Capital (“Movant”),
complaining of Jason Christopher Warren (“Debtor”) for cause of action would respectfully show
the Court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 362. This is a core proceeding.

2. Debtor filed a voluntary petition pursuant to Chapter 13 of Title 11 on September 16, 2020.

3. Movant, directly or as agent for the holder, holds a security interest in Debtor's 2019 Dodge Challenger, Vehicle Identification Number 2C3CDZAG7KH603807 (the "Vehicle"). Copies of the Contract and Certificate of Title are attached as Exhibits "A" and "B" respectively.

4. Debtor's Chapter 13 Plan provides for surrender of the Vehicle to Movant. The Vehicle was surrendered on November 1, 2020.

5. As of November 10, 2020, the Debtor was in arrears in the amount of \$10,305.26 and payoff amount was \$32,930.24, as evidenced by the payment history ledger attached as Exhibit "C."

6. The approximate current fair market value of the Vehicle is \$24,925.00, which is the average of the NADA retail and trade-in values attached as Exhibit "D."

7. For these reasons, Movant does not have and Debtor is unable to offer adequate protection of Movant's interest in the Vehicle or adequate assurance of future performance under the terms of the confirmed plan or the Contract.

8. Debtor has no equity in the vehicle and, therefore, there is no cushion to protect against depreciation.

9. Further cause may exist to terminate the automatic stay if the Vehicle is not properly insured. Movant hereby demands proof of full coverage insurance, listing Movant as loss-payee.

WHEREFORE, PREMISES CONSIDERED, Santander Consumer USA Inc. dba Chrysler Capital, prays for:

1. An Order of this Court granting Movant relief from the automatic stay imposed pursuant to 11 U.S.C. § 362;
2. An Order of this Court authorizing Movant to take immediate possession of the Vehicle which is the subject of this Motion without further notice to the Debtor, the Trustee, the Debtor's counsel, or any other party-in-interest.
3. In the alternative, an Order of this Court requiring Debtor to provide Movant with adequate protection of its interest in the Vehicle; and
4. For such other and further relief, whether at law or in equity, to which Movant may be justly entitled.

Respectfully submitted,

/s/ Beverly Cahill

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ATTORNEYS FOR MOVANT

Certificate of Service

I hereby certify that on November 30, 2020, a true and correct copy of the above and foregoing document shall be served by regular, first class mail, and/or via electronic means to the below individuals.

Carey D. Ebert
P. O. Box 941166
Plano, TX 75094-1166

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

J. Brian Allen
P.O. Box 1398
Sulphur Springs, TX 75483-1398

Jason Christopher Warren
502 Ashton Lane
Reno, TX 75462

PRA Receivables
Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

/s/ Beverly Cahill
Beverly Cahill